



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD

### Domestic Animal Services

Meeting Date	File No.	Application Type
June 21, 2021	2021-144-LDR	Land Development Regulations Amendment (City-initiated)

### Request

Provide a recommendation to the City Commission on Ordinance No.17-21, a City-initiated request to amend the Land Development Regulations (LDR) to adopt specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

### Background Information

At the meeting of April 6, 2021, the City Commission acknowledged that the LDR are limited in where services for domestic animals are allowed and in distinguishing among the range of specialized services for domestic animals that have emerged in the industry. Given the City's growing population, which includes domestic animals, the City Commission directed Staff to review where domestic animal services are needed and where they can be appropriately accommodated while not impacting residential uses or neighborhoods.

The LDR currently specify kennels, veterinary clinics, and pet grooming as allowed uses in some zoning districts. The only use that currently has special requirements is veterinary clinics [LDR Section 4.3.3(W)].

The chart below indicates where each of these uses are allowed, either as a principal use allowed by right or as a conditional use, and any applicable special provisions. The dates that each of these uses was added to the LDR, as shown on the table below, indicates that the provisions have not been updated or expanded to accommodate the significant increase in the demand in specialized services provided for domestic animals.

Use	Zoning District(s)	Special Provisions	Date Use Added to LDR
<b>Kennels</b>	Industrial (I): Conditional Use Mixed Industrial & Commercial (MIC): Conditional Use	No on-site disposal of carcasses	1990
<b>Veterinary Clinics</b>	Neighborhood Commercial (NC): Conditional Use General Commercial (GC): Conditional Use Panned Commercial (PC): Conditional Use Central Business District (CBD): Conditional Use Mixed Residential, Office, and Commercial (MROC): Conditional Use Professional and Office District (POD): Conditional Use	4.3.3(W), no on-site disposal of carcasses nor overnight accommodations except for animals under medical supervision; boarding of animals is expressly prohibited.	1990: POD 1991: GC and CBD 1993: NC 2006: MROC
<b>Pet Grooming</b>	GC: Principal Use, allowed by-right PC: Principal Use, allowed by-right CBD: Principal Use, allowed by-right Old School Square Historic Arts District (OSSHAD): Principal Use, allowed by-right* <small>*In 1990, a Similarity of Use request was approved by the Planning and Zoning Board to allow Pet Grooming in the OSSHAD as a "personal service."</small>	None	1990*

### Definitions:

VETERINARY CLINIC. A clinic or hospital facility for treatment of animals and pets operated by a licensed veterinarian.

With the growing domestic animal population, there has naturally been an increased demand for overnight and daytime boarding. Currently, overnight and daytime boarding services have been allowed as part of kennel facilities, which are limited to the Industrial and MIC zoning districts and only allowed as a conditional use. Daytime boarding, which is commonly referred to doggy daycare, has also been allowed as an ancillary use as part of pet grooming facilities, which is in keeping with Chapter 4, Animals, of the Palm Beach County

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### Attachments:

- Draft Ordinance No. 17-21
- Maps of zoning districts depicting where uses are allowed
- Palm Beach County Code of Ordinances Chapter 4, Animals

Animal Control and Care Ordinance. The Palm Beach County regulations allow “grooming parlors” to “house animals for less than 12 hours when the appropriate accommodations are provided”. It is also notable that the initial intent of allowing the daytime boarding was to provide the pet owner the ability to drop off the animal for their grooming appointment and come back later when the animal's appointment was complete, rather than require them to stay and wait. As a result, daytime boarding services grew to accommodate pet owners who needed longer care for their animal while providing the pets, mainly dogs, with socialization and playtime opportunities.

Moreover, the current LDR do not specify that outdoor use areas are allowed with approved or legally established kennels, veterinary clinics, or pet grooming businesses. LDR Section 4.6.6(A)(1), Commercial and Industrial Uses to Operate Within a Building, specifies that *all commercial and industrial uses shall conduct business within a completely enclosed building rather than outside regardless of the zoning district*. However, LDR Section 4.6.6(B), Allowable Outside Usage, specifies that *activities associated with outside conditional uses when specifically determined through the conditional use process that the outside aspects of the use are appropriate*.

### Description of Proposal

The proposed amendments (listed below) address the need for updated and expanded regulations related to services for domestic animals. The specific requirements support and encourage high quality domestic animal services and establishments while mitigating the impacts to residential uses and neighborhoods, as follows:

- LDR Section 4.3.3, Special Regulations for Specific Uses, Subsection (W), is proposed to be renamed from “Veterinary clinics” to “Domestic animal services”. All Domestic Animal Services are required to comply with the Palm Beach County Code of Ordinances Chapter 4, Animals. A copy of the chapter is provided as an attachment. This subsection will provide special regulations for all Domestic Animal Services, with additional regulations specific to overnight boarding and outdoor use areas for domestic animals. Also, to reduce and mitigate the impacts of all uses that qualify as “Pet Services”, special provisions are necessary to properly accommodate the addition of indoor daytime boarding services as a principal use in districts where pet grooming is currently allowed.
- Provisions (1) through (5) apply to all Domestic Animal Services, which are limited to veterinary clinics, pet services, pet hotel and animal shelters.
  - (1) *Outdoor activities and services are limited to drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord. Any other outdoor use requires approval pursuant to Section 4.6.6.*

Some Domestic Animal Services, such as pet services and pet hotels without outdoor areas, are allowed as permitted uses (by right) in certain zoning districts. This regulation is necessary to support the preservation of existing neighborhoods and to mitigate any potential impacts of outdoor activities and use areas that would not be subject to a site plan/ development order review. Outdoor use areas, where allowed, will require approval of a Conditional Use application, which includes the review and consideration of impacts on adjacent properties and uses from outdoor use areas. Necessary outdoor walks of animals in direct control of a person by means of a leash or cord may be allowed as this activity should not significantly impact a neighborhood as any area may experience persons walking an animal in direct control by means of a leash or cord.
  - (2) *On-site disposal of carcasses is prohibited.*

This is a current requirement for kennels and veterinary clinics that is proposed to be maintained and but now applied to all Domestic Animal Services.
  - (3) *Separate refuse facilities shall be provided.*

Uses defined as Domestic Animal Services shall have their own separate refuse facility that cannot be shared with other establishments located within the same site. For example, a pet grooming parlor located in a multi-tenant shopping plaza cannot dispose its waste in a dumpster utilized by other establishments within the plaza. Roll-out bins or a designated dumpster in an approved location would be required to comply with this standard.
  - (4) *Hours of operation shall be limited to 7:00 a.m. and 8:00 p.m, except for veterinary clinics for the purpose of providing emergency services.*

The proposed hours of operation are compatible with those observed by most commercial uses to limit traffic and restrict operations during nighttime hours when adjacent properties, which may include residential units or uses, would be

impacted by the business. Veterinary clinics may have extended hours and may provide 24-hour service hours when in compliance with the 24-hour or late-night business requirements, which applies to any business open between 12 a.m. and 5 a.m.

(5) *Parking Requirements:*

*Veterinary clinics and pet services (5 spaces / 1,000 sf):* Five parking spaces per 1,000 square feet of gross floor area is proposed. This rate is the same as Medical Offices [LDR Section 4.6.9(C)(4)(c)], and one-half of a space more than what grooming services are currently required to provide under Personal Services Provider [LDR Section 4.6.9(C)(3)(g)]. The medical office parking space requirement has been applied to Veterinary Clinics previously, as the business and parking turnover rate is similar. The increase in the parking space rate for pet services is due to the potential parking turn over for training services and the increased demand for parking spaces during peak hours for daycare services.

*Pet hotels and animal shelter (1 space / 300 square feet):* One parking space per 300 square feet of gross floor area is proposed. This rate is compatible to other municipalities that allow overnight boarding and allows for sufficient parking spaces for staff and for customer pick-up and drop off. Based on the current nature of businesses in the area that offer boarding services, a higher rate than what is proposed is not necessary as the turnover time is quick and pick-up and drop-off occurs throughout the day, which is different from a child daycare.

- Provision (6)(a) through (6)(d) apply to all establishments offering overnight boarding. Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services.
  - (a) *Areas designated for overnight boarding shall be fully enclosed with solid core doors and shall be sufficiently insulated to minimize noise or odor detection from outside the establishment.*
  - (b) *On-site attendant shall be present at all times during boarding services.*
  - (c) *Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.*
  - (d) *On-site auxiliary power generators shall be provided subject to provisions 1. Through 4.*

These regulations are necessary to support the preservation of existing neighborhoods and to mitigate any potential impacts of the indoor activities or noises, especially during evening hours and overnight. These regulations also support and encourage high quality domestic animal services and establishments by requiring auxiliary power generators for emergency purposes and continuous on-site care. Floor plans, site plan, architectural elevations, and other documents will be reviewed for compliance during Conditional Use, Site Plan, or Zoning Certificate of Use review, as applicable.

- Provision (7)(a) through (7)(e) apply for all establishments with outdoor use areas. Only veterinary clinics, pet hotels, and animal shelters may offer outdoor use areas.
  - (a) *Outdoor cages, crates, kennels, or other individual enclosures are prohibited.*
  - (b) *A solid finished masonry wall or privacy fence six feet in height shall be provided on all sides of outdoor use areas designated for domestic animal services, including interior yards or areas visible from the right-of-way.*
  - (c) *Pervious outdoor use areas intended for domestic animal services may be counted towards open space requirements.*
  - (d) *Outdoor activities are limited to the time between 7:00 a.m. and 8:00 p.m., except for necessary outdoor walks of one individual animal at a time in direct control of a person by means of a leash or cord.*
  - (e) *Separation requirements:*
    - 1. *Properties with outdoor use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outdoor use areas intended for domestic animal services as measured from lot line to lot line in a straight line.*
    - 2. *Outdoor use areas shall not be located within 50 feet of any adjacent property, as measured from the exterior face of the wall or fence enclosing the outdoor use area to the adjacent lot line in a straight line.*

These regulations are also necessary to support the preservation of existing residential neighborhoods and to mitigate any impacts created by outdoor use areas such as noise, appearance, and odor or by additional traffic in the evening and nighttime hours. A solid finished masonry wall or privacy fence six feet in height will provide visual and noise buffers. By prohibiting outdoor cages, crates, kennels, or other individual enclosures, establishments are required to, instead, design high quality outdoor use areas that provide the adequate space for animal to exercise,

either individually or as a group; this encourages the provision of services and facilities that provide care in a humane manner.

Separation requirements limit the proximity of domestic animal establishments with outdoor use areas to residentially zoned areas and adjacent properties to protect existing businesses and residential neighborhoods from negative impacts. Separation restrictions prevent the concentration of a specific use, which can change the character of the area, and in this case, outdoor areas for animals can create an unusual noise nuisance. Therefore, it is also suitable to limit how close one establishment can be to another. Distance requirements can also encourage establishments to locate throughout the city, which supports a diverse distribution of needed uses and services provided for residents. The proposed 50-foot distance separation from any adjacent property and the outdoor use area boundary (not property line) is intended to prevent outdoor use areas from having a negative impact on adjacent uses. The minimum required 50-foot distance separation can accommodate parking spaces, driveways, or structures, which can also serve as an additional physical buffer.

- Domestic animal services, listed as Principal Uses or Conditional Uses, are required to comply with the Special Regulations for Specific Uses as applicable.

The proposed uses and how they are allowed in each zoning district is based on the appropriateness of the uses with the zoning district purpose and intent, and compatibility of the uses with existing and allowed land uses in each zoning district. The intent is to expand the locations where uses involving domestic animals are allowed, as appropriate, without negatively impacting residential uses. The following table identifies the zoning districts where veterinary clinics, pet services, and pet hotel and shelter (with and without outdoor use areas) are currently allowed, and where the uses are proposed to remain or be added.

		OSSHAD	GC	NC	PC	CBD	POD	PCC	MROC	MIC	I	LI
Veterinary Clinics	Current	-	CU	CU	CU	CU	CU	-	CU	-	-	-
	Proposed	CU	CU	CU	CU	CU	CU	-	CU	-	-	-
Pet Services	Current (listed as pet grooming)	P*	P	-	P	P	-			-	-	-
	Proposed	P*, CU	P	P	P	P	-	P	P	-	-	-
Pet Hotel and Shelter without outdoor areas	Current (listed as Kennel)	-	-	-	-	-	-	-	-	CU	CU	-
	Proposed	-	P	-	P	CU**		P	-	P	P	P
Pet Hotel and Shelter with outdoor areas	Current (listed as Kennel)	-	-	-	-	-	-	-	-	CU	CU	-
	Proposed	-	CU	-	CU	-	-	-	-	CU	CU	CU

CU = allowed as a Conditional Use      P = allowed as a Principal Use/by right

\*In 1990, a Similarity of Use request was approved to allow Pet Grooming in the OSSHAD as a "personal service." Pet grooming services only will continue to be allowed as a Principal use; pet services, which includes grooming and other daily services, are proposed to be allowed as a Conditional Use.

\*\* Proposed as a Conditional Use in the West Atlantic Neighborhood and Railroad Corridor Sub-districts

The proposed use categories and their associated processes ensures that additional attention is given to those uses that could have a greater impact. For example, uses listed as a principal use are allowed by right, while uses allowed as a conditional use require a public hearing at the Planning and Zoning Board and other boards as applicable (Historic Preservation Board if in a historic neighborhood district), and final action by the City Commission. A public notice for the public hearing at the Planning and Zoning Board meeting is also required to be mailed to property owners within a 500-foot radius of the property requesting conditional use approval. The intent of this notice is to inform the neighborhood about the proposal and provide the opportunity to attend the meeting and express support or concern for Board consideration at the meeting. If the Board provides a recommendation of approval, then, the City Commission will consider the request for final action. Additionally, the conditional use process requires that findings be made as to the potential impact of the request and allows for specific conditions to be applied that are not specifically required by the LDR or are above and beyond the minimum requirements.

- Subsection (8) in LDR Section 4.4.24(H), Special District Regulations, is proposed to provide additional regulations for veterinary clinics and pet services within the OSSHAD. The additional regulations provide further sensitivity to adjacent uses and properties as the mixed-use zoning district allows single-family residences and duplexes, whereas the other districts either limit or do not allow residential uses. The proposed provisions are as follows:

- *Overnight boarding and outdoor use areas are prohibited.*  
Currently, Veterinary Clinics are allowed to have overnight boarding of animals under medical care and may propose outdoor use areas. In OSSHAD, ancillary overnight boarding and outdoor use areas are not to be considered as these conditions are prohibited.
  - *Areas designated for daytime boarding and training services as part of pet service establishments are limited to 50 percent of the total gross floor area.*  
This provision is intended to limit the size of the use to encourage adaptive reuse of existing structures and to limit the area intended to be occupied by larger groups of animals, which will limit the number of animals allowed based on the County Animal Control size and space requirements.
  - *Areas designated to accommodate and provide services for animals shall be fully enclosed, with solid core doors and sufficiently insulated to minimize noise or odor detection from outside the establishment.*  
This provision is proposed to minimize noise and odor detection from outside of the establishment, including neighboring commercial bays for establishments located next to another business and only separated by a party wall.
  - *Veterinary clinics and pet service establishments are not allowed as part of a mixed-use building with residential uses.*  
The intent of this provision is to prevent any potential nuisance caused by the nature of uses involving domestic animals into residential uses, either detached residential homes or multifamily units within a mixed-use development.
- New Definitions in LDR Appendix A: Animal Shelter, Domestic Animals, Domestic Animal Services, Pet Hotel, and Pet Services.

## Review

Pursuant to **LDR Section 1.1.6(A), Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).*

The Planning and Zoning Board is scheduled to review the proposed amendments at its meeting of June 21, 2021. The Board's recommendation will be provided to the City Commission, where the amendments will be reviewed at two public hearings. The anticipated review dates are July 13, 2021 and August 10, 2021.

### **Amendments to the Land Development Regulations**

Pursuant to **LDR Section 2.4.5(M)(1), Rule**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated based on direction by the City Commission at its meeting of April 6, 2021.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.*

The following Goals, Objectives, and Policies from the Always Delray Comprehensive Plan support the proposed LDR amendments.

### **Neighborhoods, Districts, and Corridors Element**

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

Objective NDC 3.5: *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*



Policy NDC 3.5.1 *Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.*

### **Economic Prosperity Element**

Policy ECP 6.3.1 *Review and improve the Land Development Regulations to ensure permitted uses and building requirements align with desirable industry clusters in targeted areas and with the vision of adopted neighborhood revitalization plans.*

### **Historic Preservation Element**

Objective HPE 1.4, Historic Preservation Planning *Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.*

Policy HPE 1.4.1 *Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.*

Policy HPE 2.2.3 *Continue to develop new land use and zoning incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning districts and providing parking relief strategies.*

The proposed amendment seeks to ensure complementary land uses and maintain the City's vision for its diverse areas by identifying appropriate zoning districts and locations for uses involving domestic animals. The domestic animal services industry has significantly grown since the early 1990s when the LDRs last adopted regulations for these types of uses. The industry's growth includes a high demand for boarding establishments to provide both overnight and daytime services. To better accommodate these community needs, the amendment supports and encourages high quality domestic animal services and establishments while mitigating the impacts to adjacent properties, with particular attention paid to surrounding residential uses and neighborhood. The amendments also provide special provisions to ensure that uses involving domestic animals in historic districts do not impact the character of those areas.

### **Review By Others**

The **Pineapple Grove Main Street (PGMS)** considered the proposed amendments at its May 26, 2021, meeting. A formal vote was not provided as there was not a quorum, however, the board members present at the meeting expressed concerns in allowing Pet Hotel and Shelter establishments within the Railroad Corridor Sub-district area located within the Pineapple Grove Main Street boundary lines.

The **Historic Preservation Board (HPB)** considered the proposed amendments at its June 2, 2021, meeting and recommended approval with the following amendments:

- Increase the separation requirements of 300 feet to 600 feet city-wide from residentially zoned properties or other properties with outdoor use areas intended for domestic animal services; and,
- Require establishments with indoor boarding (daytime and overnight; excluding veterinary clinics) to comply with the separation requirements also applied to establishments with outdoor use areas.

The **Downtown Development Authority (DDA)** will review the proposed amendments at their meeting of June 14, 2021. The recommendation will be reported at the Planning and Zoning Board meeting during staff presentation.

### **Alternative Actions**

- A. Recommend **approval** to the City Commission of **Ordinance No. 17-21**, to amend the Land Development Regulations to adopt specific regulations for domestic animal services and to identify those zoning districts where domestic animal services are allowed as a principal or conditional use, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of **Ordinance No. 17-21, as amended**, to amend the Land Development Regulations to adopt specific regulations for domestic animal services and to identify those zoning districts where domestic animal services are allowed as a principal or conditional use, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.

- C. Recommend **denial** to the City Commission of **Ordinance No. 17-21**, to amend the Land Development Regulations to adopt specific regulations for domestic animal services and to identify those zoning districts where domestic animal services are allowed as a principal or conditional use, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

#### Public and Courtesy Notices

☒ Courtesy Notices were provided to the following:

- Delray Beach Chamber of Commerce

☒ Agenda was posted on Friday, June 11, 2021, at least 5 working days prior to meeting.